Attorney Docket No.: 2878(203-3441)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David S. Keppel

Examiner:

Michael F. Peffley

Serial No.:

10/728,259

Group:

Art Unit 3739

Filed:

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December 4, 2003

Dated:

April 2, 2007

For:

VARIABLE OUTPUT CREST FACTOR

**ELECTROSURGICAL GENERATOR** 

04/04/2007 WASFAW1 00000026 210550 10728259

Mail Stop: Amendment Commissioner for Patents

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P.O. Box 1450

Alexandria, VA 22313-1450

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. It is respectfully submitted that copies of the U.S. references cited are not required since this application was filed after June 30, 2003 pursuant to 51 C.F.R. 1.98. Copies of foreign references and publications cited are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

#### CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on date below.

Dated: April 2, 2007

Edward C. Meagher

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- [] This information disclosure statement is being filed within three (3) months of the filing date of this application.
- [] This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- [] Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- [] To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- [] Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- [] Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(2).
  - [] Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
  - [] Please charge the \$130.00 petition fee to Deposit Account No. 21-0550.
- [] Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- [X] Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

Edward C. Meagher Reg. No. 41,189

Attorney for Applicant(s)

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Melville, New York 11747 Tel.: (631) 501-5700

Fax: (631) 501-3526

ECM/gm

without references Sheet 1 of Docket Number (Optional)

2878(203-3441) INFORMATION DISCLOSURE CITATION

Application Number 10/728,259

IN AN APPLICATION

Applicant David S. Keppel

(Use several sheets if necessary)

Filing Date December 4, 2003 Group Art Number 3739

# U.S. PATENT DOCUMENTS

U.S. FATENT DOCUMENTS								
Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate			
4,171,700	10/23/79	Farin						
4,429,694	02/07/84	McGreevy						
4,438,766	03/27/84	Bowers						
4,788,634	11/29/88	Schlecht et al.						
5,249,121	09/28/93	Baum et al.						
5,414,238	05/09/95	Steigerwald et al.						
5,485,312	03/05/96	Klicek						
5,584,830	12/17/96	Ladd et al.						
5,694,304	12/02/97	Telefus et al.						
5,712,772	01/27/98	Telefus et al.						
5,954,719	09/21/99	Chen et al.						
6,171,304	01/09/01	Netherly et al.						
6,325,799	12/04/01	Goble		l .				
6,350,262	02/26/02	Ashley						
6,511,478	01/28/03	Burnside et al.						
6,524,308	02/25/03	Muller et al.						
7,044,948	05/16/06	Keppel						
7,060,063	06/13/06	Marion et al.						
7,063,692	06/20/06	Sakurai et al.						
7,066,933	06/27/06	Hagg						
7,131,860	11/07/06	Sartor et al.						
7,137,980	11/21/06	Buysse et al.						
RE34,432	11/02/93	Bertrand						
	Number 4,171,700 4,429,694 4,438,766 4,788,634 5,249,121 5,414,238 5,485,312 5,584,830 5,694,304 5,712,772 5,954,719 6,171,304 6,325,799 6,350,262 6,511,478 6,524,308 7,044,948 7,060,063 7,063,692 7,066,933 7,131,860 7,137,980	Document Number  A,171,700  A,429,694  A,438,766  D3/27/84  A,488,634  D3/28/83  5,249,121  D3/05/96  5,584,830  D3/05/96  5,694,304  D3/02/97  D3/05/96  D3/06/93  D3/06/96  D3/06/93  D3/06/96  D3/06/93	Document Number         Date         Name           4,171,700         10/23/79         Farin           4,429,694         02/07/84         McGreevy           4,438,766         03/27/84         Bowers           4,788,634         11/29/88         Schlecht et al.           5,249,121         09/28/93         Baum et al.           5,414,238         05/09/95         Steigerwald et al.           5,485,312         03/05/96         Klicek           5,584,830         12/17/96         Ladd et al.           5,694,304         12/02/97         Telefus et al.           5,712,772         01/27/98         Telefus et al.           5,954,719         09/21/99         Chen et al.           6,171,304         01/09/01         Netherly et al.           6,325,799         12/04/01         Goble           6,350,262         02/26/02         Ashley           6,511,478         01/28/03         Burnside et al.           6,524,308         02/25/03         Muller et al.           7,044,948         05/16/06         Keppel           7,060,063         06/13/06         Marion et al.           7,066,933         06/27/06         Sakurai et al.           7,131,860 </td <td>Document Number         Date         Name         Class           4,171,700         10/23/79         Farin           4,429,694         02/07/84         McGreevy           4,438,766         03/27/84         Bowers           4,788,634         11/29/88         Schlecht et al.           5,249,121         09/28/93         Baum et al.           5,414,238         05/09/95         Steigerwald et al.           5,485,312         03/05/96         Klicek           5,584,830         12/17/96         Ladd et al.           5,694,304         12/02/97         Telefus et al.           5,712,772         01/27/98         Telefus et al.           5,954,719         09/21/99         Chen et al.           6,171,304         01/09/01         Netherly et al.           6,325,799         12/04/01         Goble           6,350,262         02/26/02         Ashley           6,511,478         01/28/03         Burnside et al.           6,524,308         02/25/03         Muller et al.           7,044,948         05/16/06         Keppel           7,060,063         06/13/06         Marion et al.           7,066,933         06/27/06         Sakurai et al.</td> <td>Document Number         Date         Name         Class         Subclass           4,171,700         10/23/79         Farin         Inchested         Subclass           4,429,694         02/07/84         McGreevy         McGreevy         McGreevy           4,438,766         03/27/84         Bowers         Schlecht et al.         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Document Number         Date         Name         Class         Subclass           4,171,700         10/23/79         Farin         Inchested         Subclass           4,429,694         02/07/84         McGreevy         McGreevy         McGreevy           4,438,766         03/27/84         Bowers         Schlecht et al.         McGreevy           4,788,634         11/29/88         Schlecht et al.         Schlecht et al.         McGreevy           5,249,121         09/28/93         Baum et al.         McGreevy         McGreevy           5,414,238         05/09/95         Steigerwald et al.         McGreevy         McGre			

#### U.S. PATENT DOCUMENTS

C.S. I ATENT DOCUMENTS							
Examiner Initial	Document Number	Publication Date	Name	Class	Subclass	Filing Date if Appropriate	
	2002/0107517A1	08/08/02	Witt et al.				
	2002/0111624A1	08/15/02	Witt et al.				
	2003/0225401A1	12/04/03	Eggers et al.				
	2004/0015216A1	01/22/04	DeSisto				
	2004/0030330A1	02/12/04	Brassell et al.				
	2004/0095100A1	05/20/04	Thompson				
	2005/0004569A1	01/06/05	Witt et al.				
	2006/0079871A1	04/13/06	Plaven et al.				
	2006/0161148A1	07/20/06	Behnke				
	2006/0178664A1	08/10/06	Keppel				
	2006/0224152A1	10/05/06	Behnke et al.				
	2006/0281360A1	12/14/06	Sartor et al.				
Examiner				Date Considered			

Examiner: Initial if citation considered, whether or nor citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

with references			Sheet	2	of	2	
Form PTO-1449  INFORMATION DISCLOS	Docket Number (Optional) 2878(203-3441)		Application 10/728,2				
IN AN APPLICATION		Applicant David S. Keppel					
(Use several sheets if necessary)		Filing Date December 4, 200	Group Art Numb		umber 3739		
	FOREIGN PAT	ENT DOCUMENTS					
Document			1		Transla	tion	
Number	Date	Country	Class	Subclass	Yes	No	
DE4339049	A1 05/18/95	DE					
DE19848540	A1 5/25/2000	DE					
EP0569130	A1 11/10/93	EP				<u> </u>	
EP0880220	06/21/06	EP					
GB235893	08/08/01	GB					
WO05048809	A1 06/02/05	PCT					
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